

PURSUANT TO A.R.S. §38-431.01, THE GILA COUNTY BOARD OF SUPERVISORS WILL HOLD AN OPEN MEETING IN THE SUPERVISORS' AUDITORIUM, 1400 EAST ASH STREET, GLOBE, ARIZONA. ONE OR MORE BOARD MEMBERS MAY PARTICIPATE IN THE MEETING BY TELEPHONE CONFERENCE CALL. ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE MEETING IN GLOBE OR IN PAYSON AT 610 E. HIGHWAY 260, BOARD OF SUPERVISORS' CONFERENCE ROOM. THE AGENDA IS AS FOLLOWS:

SPECIAL MEETING - FRIDAY, MARCH 4, 2016 - 11:30 A.M.

1. **CALL TO ORDER - PLEDGE OF ALLEGIANCE**
2. **REGULAR AGENDA ITEMS:**
 - A. Information/Discussion/Action to adopt Resolution No. 16-03-02 ordering the cancellation of the May 17, 2016, Special Election for the Solitude Trails Domestic Water Improvement District (STDWID) and appointing new governing board members to the STDWID, as follows: Robert Bever, Roger Miotto and Stephen Wetherell. **(Eric Mariscal)**
3. **CALL TO THE PUBLIC:** Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

4. At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the County Manager may present a brief summary of current events. No action may be taken on information presented.

IF SPECIAL ACCOMMODATIONS ARE NEEDED, PLEASE CONTACT THE RECEPTIONIST AT (928) 425-3231 AS EARLY AS POSSIBLE TO ARRANGE THE ACCOMMODATIONS. FOR TTY, PLEASE DIAL 7-1-1 TO REACH THE ARIZONA RELAY SERVICE AND ASK THE OPERATOR TO CONNECT YOU TO (928) 425-3231.

THE BOARD MAY VOTE TO HOLD AN EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE FROM THE BOARD'S ATTORNEY ON ANY MATTER LISTED ON THE AGENDA PURSUANT TO A.R.S. §38-431.03(A)((3).

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

ARF-3636

Regular Agenda Item 2. A.

Special BOS Meeting

Meeting Date: 03/04/2016

Submitted For: Eric Mariscal, Submitted By: Cate Gore, Elections Assistant
Director

Department: Elections Department

Information

Request/Subject

Adoption of Resolution No. 16-03-02 to cancel the May 17, 2016, Special Election for the Solitude Trails Domestic Water Improvement District and appoint new governing board members.

Background Information

On January 5, 2016, the Board of Supervisors adopted an Order calling for a Special Election on May 17, 2016, to elect new governing board members for the Solitude Trails Domestic Water Improvement District.

Evaluation

The May 17, 2016, Special Election for the Solitude Trails Domestic Water Improvement District was established by the Board of Supervisors for the purpose of electing new governing board members. The candidate filing deadline and the write-in candidate filing deadline passed leaving three candidate nominations for three positions. In accordance with Arizona Revised Statute (A.R.S.) §16-410 (A), the election may be canceled when the total number of persons who filed a nomination petition for a candidate and the number of persons who filed a nomination paper for a write-in candidate is less than or equal to the number of positions to be filled at the election for which the nomination petition or nomination paper is filed. A.R.S. §48-1012 (E) states, "*If only one person files or no person files a nominating petition for election to fill a position on the board of directors of the district, the county board of supervisors, by resolution, may cancel the election for that office and appoint the person who filed the nominating petition to fill that position...*"

Conclusion

In accordance with A.R.S. §16-410 and §48-1012 (E), the Board of Supervisors may cancel the May 17, 2016 Special Election for the Solitude Trails Domestic Water Improvement District and appoint the candidates who filed candidate nomination paperwork. The following individuals filed candidate nomination paperwork: Robert Bever, Roger Miotto and Stephen Wetherell.

Recommendation

The Elections Department Director recommends that the Board of Supervisors adopt Resolution No. 16-03-02 ordering the cancellation of the May 17, 2016, Special Election for the Solitude Trails Domestic Water Improvement District and appointing Robert Bever, Roger Miotto and Stephen Wetherell as new governing board members of the Solitude Trails Domestic Water Improvement District.

Suggested Motion

Information/Discussion/Action to adopt Resolution No. 16-03-02 ordering the cancellation of the May 17, 2016, Special Election for the Solitude Trails Domestic Water Improvement District (STDWID) and appointing new governing board members to the STDWID, as follows: Robert Bever, Roger Miotto and Stephen Wetherell. **(Eric Mariscal)**

Attachments

Resolution No. 16-03-02

Arizona Revised Statute 16-410

Arizona Revised Statute 48-1012



RESOLUTION NO. 16-03-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, ORDERING THE CANCELLATION OF THE SOLITUDE TRAILS DOMESTIC WATER IMPROVEMENT DISTRICT (STDWID) SPECIAL ELECTION; AND, APPOINTING MEMBERS TO THE STDWID BOARD OF DIRECTORS.

WHEREAS, the Board of Supervisors scheduled a Special Election to be held on May 17, 2016, for the election of members to the Board of Directors of the STDWID; and

WHEREAS, Arizona Revised Statute (A.R.S.) §16-410 (A) states, “ *Notwithstanding any other law, in any election that is to be held pursuant to title 15, title 48 or section 16-822, if the total of the number of persons who file a nomination petition for a candidate and the number of persons who file a nomination paper for a write-in candidate as prescribed by chapter 3, articles 2 and 3 of this title is less than or equal to the number of positions to be filled at the election for which the nomination petition or nomination paper is filed, the county board of supervisors may cancel the election no earlier than seventy-five days before the election and appoint the person or persons who filed the nomination petition or nomination paper to fill the position for the term of office for which the candidate was nominated by the qualified electors.*”; and

WHEREAS, A.R.S. §48-1012 (E) states, “*If only one person files or no person files a nominating petition for election to fill a position on the board of directors of the district, the county board of supervisors, by resolution, may cancel the election for that office and appoint the person who filed the nominating petition to fill that position...*”; and

WHEREAS, in accordance with the above-referenced statutes, the Board of Supervisors may cancel the May 17, 2016, Special Election of the STDWID and appoint persons to the STDWID Board of Directors who filed a nomination or a write-in nomination paper for the STDWID governing Board of Directors; and

WHEREAS, each person to be appointed pursuant to the aforementioned Arizona Revised Statute will be fully vested with the powers and duties of the office as if elected to that office.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Gila County Board of Supervisors does hereby order the cancellation of the May 17, 2016, Special Election of the STDWID and appoints the following persons to serve as members of the STDWID Board of Directors: Robert Bever, Roger Miotto and Stephen Wetherell.

PASSED AND ADOPTED this 4th day of March 2016, at Globe, Gila County, Arizona

Attest:

GILA COUNTY BOARD OF SUPERVISORS

Marian Sheppard
Clerk of the Board

Michael A. Pastor
Chairman

Approved as to form:

Jefferson R. Dalton
Deputy Gila County Attorney
Civil Bureau Chief

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16-410. Cancellation of certain elections; appointment to office; filling vacancies

A. Notwithstanding any other law, in any election that is to be held pursuant to title 15, title 48 or section 16-822, if the total of the number of persons who file a nomination petition for a candidate and the number of persons who file a nomination paper for a write-in candidate as prescribed by chapter 3, articles 2 and 3 of this title is less than or equal to the number of positions to be filled at the election for which the nomination petition or nomination paper is filed, the county board of supervisors may cancel the election no earlier than seventy-five days before the election and appoint the person or persons who filed the nomination petition or nomination paper to fill the position for the term of office for which the candidate was nominated by the qualified electors.

B. A person who is appointed pursuant to subsection A of this section is fully vested with the powers and duties of the office as if elected to that office.

C. If no nomination petitions for a candidate and no nomination papers for a write-in candidate have been filed to fill the position for which the election was being held, the position is deemed vacant and shall be filled in accordance with laws governing the filling of those vacancies.

D. Canceled elections shall not appear on any ballot, but if a withdrawal or disqualification of one or more candidates results in the cancellation of an election after the ballots have been printed, the results of any vote for that office shall not be canvassed.

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48-1012. Elected board of directors; initial members; qualifications; terms; filling vacancy; chairperson; reorganization; qualifications of electors

A. At the option of the board of supervisors after presentation of a petition requesting the establishment of a domestic water improvement district or a domestic wastewater improvement district, or on the submission of a separate petition following the establishment of an improvement district as prescribed by section 48-903, and subsequent to the approval of the county board of supervisors, the district shall be governed by an elected board of directors. The elected board shall consist of the number of members, not less than three, specified in the petition for establishment of the district. The first directors of such board shall be selected by the board of supervisors at the time the district is established. Members of the board of directors shall be qualified electors of the district and, after the members first appointed by the board of supervisors, shall be elected by the qualified electors of the district.

B. Immediately after the selection and qualification of the first directors of the board, the directors shall meet and divide themselves by lot into two classes as nearly equal in number as possible. Directors of the first class shall serve for a term of four years, and directors of the second class shall serve for a term of two years. Every director shall continue to discharge the duties of office until a successor is appointed and qualifies. Thereafter, at each regular election, one director for each expired term shall be elected and shall hold office for a term of four years, and until a successor is elected and qualifies. The dates of elections and of expiration of terms shall be specified in the petition for establishment of the district.

C. If a vacancy in the district board occurs due to death or disability or any other cause other than resignation, the board of directors of the district shall appoint a qualified elector of the district to fill the office for the remaining portion of that term. If there is a vacancy in the district board due to resignation, the district board shall accept the resignation and appoint a qualified elector to fill the remaining portion of that term of office. If the district board lacks a quorum for any reason for more than thirty days, the county board of supervisors may revoke the authority of the appointed or elected board of directors pursuant to section 48-1016.

D. The board of directors shall annually elect a chairperson from among its members.

E. If only one person files or no person files a nominating petition for election to fill a position on the board of directors of the district, the county board of supervisors, by resolution, may cancel the election for that office and appoint the person who filed the nominating petition to fill that position. If no person files a nominating petition for an election to fill a district board office, the county board of supervisors, by resolution, may cancel the election for those offices and those offices are deemed vacant and shall be filled as otherwise provided by law. A person who is appointed pursuant to this section is fully vested with the powers and duties of the office as if elected to that office.

F. The board of supervisors shall make an order calling an election to decide whether to reorganize a domestic water improvement district that has a board consisting of three members as a domestic water improvement district that has a board consisting of five members when a petition containing the signatures of twenty-five percent of the qualified

electors residing within the district and requesting that the district be reorganized is filed with the board except the board of supervisors may not call for a reorganization election to expand the number of directors on the district board more frequently than once every two years. The election may be held on any consolidated election date as prescribed in section 16-204. The domestic water improvement district shall reimburse the county for the expenses of the district election. The board of supervisors shall give notice of the election by posting copies of the order of election in three public places within the district not less than twenty days before the date of the election and if a newspaper is published within the county having a general circulation within the district, the order shall be published in the newspaper not less than once a week during each of the three calendar weeks preceding the calendar week of the election. The ballot for the election shall state "shall the current three-member domestic water improvement district board be reorganized to a five-member board - yes or no". The ballot shall also allow each elector to indicate the elector's choice for two additional board members in the event of reorganization. Within twenty days after the election, the board of supervisors shall meet and canvass the returns, and if it is determined that a majority of the votes cast at the election were in favor of reorganizing the domestic water improvement district as a district with a five-member board, the board shall enter that fact on its minutes, declare the district duly reorganized and announce the names of those elected to the district board.

G. For the purposes of either a domestic water improvement district or a domestic wastewater improvement district that is organized pursuant to this article and that serves at the time of organization a population of ten thousand persons or less, in addition to any other qualified elector of the district, any natural person who is a qualified elector of this state and who is a real property owner within the district is eligible to vote in a district election without regard to that person's residency and shall be deemed a qualified elector of the district for purposes of service on the board of directors.